REMARKS/ARGUMENTS

Claims 1-54 are pending in the application. Claims 26-32 and 42-54 were previously withdrawn pursuant to a requirement for restriction and have been cancelled without prejudice to refiling in a subsequent application. Claims 1-25 and 33-41 were examined and rejected. Reexamination and reconsideration of the claims are respectfully requested.

Applicants would also like to call to the attention of the Examiner, commonly owned, related application number 10/612,833, now US Patent No. 7,314,414 (Attorney Docket No. 020979-000510US) having some similar disclosure and identical inventorship. Applicants assume that the Examiner has access to the prosecution files for this case but will provide copies if so requested.

Claim Rejections - 35 U.S.C. §102:

Claims 1, 9-13, 15-25, 33-36 and 38-40 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,360,443 to Barone et al (hereinafter Barone).

The rejection of independent claim 1 is traversed in part and overcome in part as follows. Claim 1 has been amended to incorporate the limitations of dependent claim 25, which is now cancelled. Claim 17, which recited a similar "skirt graft member," is also cancelled as it is now redundant. As amended, claim 1 recites:

> *"A stent-graft device for treating an abdominal aortic aneurysm, the stent-graft device comprising:*
>
> *at least one stent member comprising at least one of a self-expanding stent member and a balloon-expandable stent member; ~~and~~*
>
> *at least one tubular graft member coupled with the at least one stent member, the tubular graft member having a proximal end and at least one distal end; and*
>
> *at least one skirt graft member coupled with at least one of the stent member and the tubular graft member at or near the proximal end of the tubular graft member and extending toward the distal end,*

wherein the skirt graft member is configured to be placed in contact with the inner wall of the aortic aneurysm when the stent-graft device is implanted adjacent to the abdominal aortic aneurysm."

Barone fails to disclose the limitation of a "skirt graft member." The Examiner has alleged that Fig. 7 of Barone shows a "skirt portion." However, Applicants see no teaching of such a "skirt portion" in Fig. 7, the corresponding description nor in any other descriptive text and figures in Barone. Nevertheless, to further clarify and distinguish the "skirt graft member," claim 1 has further been amended to include the limitation of "the skirt graft member configured to be placed in contact with the inner wall of the aortic aneurysm when the stent-graft device is implanted adjacent to the abdominal aortic aneurysm." This amendment is supported by the original specification, particularly the description of skirt 114 found in paragraph [0051] and shown in Fig. 1.

The rejection of independent claim 33 is traversed in part and overcome in part as follows. Claim 33, as amended, recites:

"A stent-graft device for treating an abdominal aortic aneurysm, the stent-graft device comprising:

a proximal stent member for coupling the stent device with the abdominal aorta proximal to the aneurysm;

at least one distal stent member for coupling the stent device with a blood vessel distal to the aneurysm; and

at least one graft member coupled with and extending between the proximal stent member and the at least one distal stent member, ***at least a portion of the graft member having a sinusoidal shape,***

wherein the sinusoidal portion is configured to be positioned at least partly within the abdominal aortic aneurysm when the stent-graft device is implanted adjacent to the abdominal aortic aneurysm."

Barone fails to disclose the limitation of "at least a portion of the graft member having a sinusoidal shape." Although aortic graft 150 may be bifurcated and thus slightly curved to conform with the shape of the iliac arteries (see Figs. 6- 12), no portion of aortic graft 150 has a sinusoidal shape, a shape having a series of waves or curves. In contrast, as shown in Figs. 4 10, the present invention may provide device 101 with graft portions 400 having one or more bends and a sinusoidal shape. The longitudinal flexibility (or "stretchiness" or "elasticity") is enhanced by allowing device 101 to straighten and/or bend in one or more directions to absorb length changes, thus reducing stress or strain ([0063]-[0067]). Such advantages are not conferred by aortic graft 150 of Barone, which is mostly straight and only bifurcates to conform with the shape of the iliac arteries.

Nevertheless, to further clarify and distinguish the claimed subject matter, the limitation of "the sinusoidal portion is configured to be positioned at least partly within the abdominal aortic aneurysm when the stent-graft device is implanted adjacent to the abdominal aortic aneurysm" has been added. This limitation finds support in the original specification, particularly from Figs. 4-10. No new matter has been added.

As Barone fails to disclose each and every element of each of independent claims 1, 33 and the claims dependent thereon, Applicants submit that claims 1, 9-13, 15-24, 33-36 and 38-40 are allowable over Barone.

Claim 41 was rejected under 35 U.S.C.§102(e) as allegedly being anticipated by U.S. Patent No. 7,160,318 to Greenberg et al. Claim 41 is now cancelled.

Claim Rejections - 35 U.S.C. §103(a):

Claims 2-7, 14 and 37 were rejected as being obvious over Barone and further in view of U.S. Patent No. 6,168,621 to Vrba (hereinafter Vrba).

Claims 2-7 and 14 each depend on claim 1. As amended, claim 1 requires "skirt graft member" which is not disclosed by Barone, as explained above. Vrba teaches a balloon expandable stent with a self-expanding portion but fails to provide the missing requirement. Because Barone and Vrba, alone or in combination, fail to disclose each and every element of

claim 1, *prima facie* obviousness cannot be established. Thus, claims 2-7 and 14 are allowable over the cited references.

Claim 37 depends on independent claim 33. Claim 33 requires "at least a portion of the graft member having a sinusoidal shape." As previously explained, Barone fails to disclose this requirement. Vrba fails to disclose this requirement as well. Because Barone and Vrba, alone or in combination, fail to disclose each and every element of claim 33, and thus claim 37, *prima facie* obviousness cannot be established and claim 37 is allowable over the cited references.

Claim 8 was rejected as allegedly being obvious over Barone in view of Vrba and further in view of U.S. Patent No. 6,945,994 to Austin (hereinafter Austin). Claim 8 depends on claim 1, as amended. Austin teaches a combined balloon-expanding and self-expanding stent but does not provide the missing element, the required "skirt graft member," from Barone and Vrba. Because each of the references, alone or in combination, fail to disclose each and every element of claim 1, and thus claim 1, *prima facie* obviousness cannot be established and claim 8 is allowable over the cited references.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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